

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DAVID DAVIS, )  
 )  
 Plaintiff, )  
 )  
 vs. ) CIVIL ACTION NO. 3:06cv544-WHA  
 )  
 PHENIX CITY, ALABAMA, et al., )  
 )  
 Defendants. )

**ORDER**

Upon consideration of Plaintiff's Objections to Defendants' Amended List of Witnesses (Doc. #121), and in accordance with the discussion held at the pretrial hearing, it is hereby ORDERED as follows:

1. The court will defer ruling on the admissibility of testimony by Kristine Kennedy, Jerry Prater, and Ronnie Blankenship until such time as Defendants may make a proffer of their testimony outside the presence of the jury.
2. Plaintiff's objection to the calling of Stephanie Chastain as a witness is withdrawn, with the understanding that Plaintiff may reassert his objection in the event that the parties are unable to reach an agreement in regard to this witness.
3. Defendants withdraw the name of Tommy Cox as a potential witness, and will not call him as a witness at trial.
4. The court defers ruling on the calling of the Custodian of the City of Opelika Fire Department's SOPs until such time as a proffer of this witness' testimony might be made outside the presence of the jury.

DONE this 6th day of February, 2008.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE